



City of Seattle

Gregory Nichols, Mayor
Department of Planning and Development
D. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2301460
Applicant Name: Jennifer Norling and Kirk Anderson
Address of Proposal: 1600 37th Avenue

SUMMARY OF PROPOSED ACTION

Master Use Permit to allow accessory parking in the front yard of a single family residence.
The following Master Use Permit component is required:

Variance - to allow parking in the required front yard.
(Seattle Municipal Code 23.44.016.C2)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The site measures approximately 2,280 square feet and is zoned Single Family residential with a 5000-foot minimum lot size (SF 5000). The SF zoning designation applies to all surrounding properties in the immediate vicinity, and all adjacent structures are single family homes.

The subject site is relatively flat to the west where it fronts on 37th Avenue, then falls off to the east with a change in elevation of 10.8 feet in the last one-half to one-third of the 60 foot deep

lot. This area is identified as a steep slope per the Environmentally Critical Areas Ordinance. The site is currently developed with a two-story 1360 square foot single family home.

The subject property is located at the southeastern intersection of 37th Avenue and an undeveloped portion of East Pine Street, which also contains ECA steep slopes, and heavy vegetation. With the exception of that portion of East Pine Street, all other streets in the area are improved with curb, gutter, sidewalk and planting strip.

Proposed Action

The applicant has requested a variance to allow for an existing non-conforming parking space in the required front yard to be established as legal parking for the site, thus fulfilling current Land Use Code requirements for off-street parking.

The historic parking location is a paved area approximately 8 feet by 17 feet, beginning just east of the west property line along 37th Avenue and extending along the north property line. The proposed parking pad would be in the same area, with dimensions of 16 feet in length by 8 feet 6 inches wide, with a 10 foot clearance at mid-point to allow opening of doors on the site. In both cases, the parking is located fully within the required 20 foot front yard.

Public Comment

No comment letters were received during the public comment period, which ended on August 27, 2003. However, 7 supportive letters which had been prepared by the applicants and distributed to neighbors were signed and submitted with the application. The letter expressed understanding of the request for a variance to allow parking in the front yard, and stated that “the granting of this variance would not have any adverse effect on my property value, my safety, or my enjoyment of my property”.

ANALYSIS - VARIANCE

Variances from the provisions or requirements of this Land Use Code shall be authorized only when all of the following facts and conditions (stated in *italics*) are found to exist:

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and*

The variance has been requested because of unusual conditions applicable to the subject property, including parking that has historically existed in the required front yard and either inaccessible or impractical alternate locations for parking on the site. The lot is substandard for size at 2280 square feet in a SF5000 zone and is located in an Environmentally Critical Area of steep slopes, neither of which is a condition created by the owner. Of the closest 57 lots developed with single family homes, 21 have legal parking in the required front yard. To deny a

reasonable application to allow a surface parking space in the front yard would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity.

There was a 9 x 17 foot attached garage built in 1919, by permit, which would have complied with today's Land Use Code requirements. Located to the rear of the site along the north property line, this garage was subsequently converted into a laundry/hobby room addition with detailing to match the house. The remodeling occurred prior to the current owners' occupation of the home and, although there was no permit establishing a date for the work, neighbors cannot recall any such changes in the more than 20 – 30 years they have been in the area. "Informed opinion" holds that the conversion and in-common updating of the façade and windows of both the house and addition was prior to 1957, when Seattle's parking requirements and standards were established. Before that time, converting the garage to another use did not constitute removal of a required legal parking space.

Access to the converted garage remains and appears to offer a legal parking solution outside the front yard. However, because of the steep slope at the east end of the lot, the former garage was built on columns to be level with the front of the lot, elevating it up to 9 feet above grade. Vehicle access to the garage was via the driveway and then over a wooden bridge to the garage door. The 8-1/2 foot long bridge has a trap door with steps down to access the side and rear yards on the north side of the house. This bridge area in front of the converted garage is probably original to the garage construction in 1919, and is in poor condition; it has not been, nor should be, used for parking because it is unsafe. Also, it covers the only exterior access to the side and rear yards. Site inspection photos show the area being used as storage for garden equipment, garbage, recycling, etc.

The remaining driveway is just over 29 feet long to the front property line on 37th Avenue. Strict application of the Code would allow no parking in the minimum front yard of 20 feet, leaving a space 9 feet in length for legal parking on the north of the house. As a result, parking has been partially (at the very least) in the required front yard since the garage was converted. Neighbors who have lived in the area for 20 or more years confirm that the front yard is the only observed location where the residents of 1600 37th Avenue have ever parked. This location does not look out of place because many of the nearby lots developed with single family homes have legal parking in the required front yard. It appears that strict application of the Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity.

Considering the above arguments, the application meets the first variance criterion.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and*

The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone.

The rear yard does have a conforming 12 x 26 foot space available. However, this is the portion of the lot that is a Critical Area, where, per City Ordinance 25.09, disturbing the steep slope or its buffer is to be avoided whenever possible. There is no alley, and access through the south side- yard is prevented by the principal structure coming within one foot of the lot line. East Pine Street is not improved and also has ECA steep slopes. Consultation with SDOT indicates that “it is unlikely that a constructed roadway in this segment could conform to reasonable roadway design guidelines and, therefore, probably will not be improved. Although a driveway through the unimproved ROW to access a parking space on private property might be allowed, it would likely warrant structural and civil engineering, drainage, etc. that would make it highly impractical, if even feasible.”

Many homes in the immediate vicinity (21 of the closest 57) have legal parking in the required front yard due to steep slopes created when 37th and 38th Avenues were improved.

Consequently, a front yard parking pad or garage structure is comparable to the rights and privileges enjoyed by other properties in the neighborhood, and are the minimum necessary to afford relief.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and*

No material detriment to the public welfare or injury to property or improvements in the zone or vicinity is likely to occur by granting the requested variance. To legalize the current parking situation would not create any change in the condition of the subject property or the vicinity in which it is located. A number of comments in support of granting the variance were received from neighbors. To continue parking in the required front yard does not constitute a material detriment to the public welfare or injury to impact surrounding properties.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties; and*

Strict application of the Code would allow parking only in the required rear yard or the required side yard to the north. The rear yard is an ECA steep slope and would have to be accessed through an unimproved ROW which is also an ECA steep slope. To park in the side yard would require filling in the ECA slope area underneath the existing wood “bridge”, (closing off external access from the front to the rear yard), removing the bridge and paving the new surface.

Furthermore, the subject lot is small; 2280 square feet in a Single Family 5000 zone. To create parking in either of these two areas would remove a large portion of existing open space, and any possibility for future expansion of living area at ground level. Most of the structures on the surrounding lots have the ability to expand, while also enjoying adequate usable areas for outdoor recreation. In addition, the literal interpretation of the applicable provisions and requirements of the Land Use Code, which generally requires parking to not be located in a front yard, would cause an undue hardship and practical difficulty of providing off-street parking in an area other than that where it has been quite comfortably located for the last 30 – 40 years.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The spirit and purpose of the Land Use Code provides for preservation and maintenance of the physical characteristics of single-family neighborhoods. It is the responsibility of the City to preserve and protect areas which are currently in predominantly single-family residential use. The granting of the variance will not adversely affect the physical characteristics or use of the surrounding neighborhood because it is not altering existing conditions of the subject property, which is already integrated into the established residential character of the surrounding environment.

DECISION - VARIANCE (Based upon approved plans in the file)

The proposed variance to allow surface parking for one vehicle in the required front yard is **GRANTED**.

Signature: _____ (signature on file) Date: January 15, 2004
Dawn E. Bern, Land Use Planner
Department of Planning and Development
Land Use Division

DEB:bg

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